

TERMS OF REFERENCE FOR THE SECTION 22 COMMITTEE FOR RELIGIOUS LEADERS APPOINTED BY THE CRL RIGHTS COMMISSION

1. Legislative Powers and Mandate of the Commission

- 1.1. The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (hereinafter referred to as 'the CRL Rights Commission') is a constitutional institution established to strengthen constitutional democracy with specific reference to the rights of culture, religion and language. This mandate is provided for under sections 181(1)(c) and 185 of the Constitution of the Republic of South Africa, 1996. Our mandate is further given meaning to and shape by the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act 19 of 2002, (CRL Rights Act).
- 1.2. The main objects of the Commission in terms of section 4 of the Act are: to promote respect for and further the protection of the rights of cultural, religious and linguistic communities, to promote and develop peace, friendship, humanity, tolerance and national unity among and within cultural, religious and linguistic communities, on the basis of equality, non – discrimination, and free association, and to foster mutual respect among cultural, religious and linguistic communities.

2. The rights of religion

- 2.1. The rights of religion are provided for in Section 15, and 31 of the Constitution of the Republic of South Africa, 1996.
 - (i) Section 15 (1) provides that: *Everyone has the right to freedom of conscience, religion, thought, belief and opinion.*



- (ii) Section 31 (1): *Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community- (a) to enjoy their culture, **practise their religion** and use their language; and (b) to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.*

3. Limitations to the rights to practice religion

- 3.1. Section 31(2) provides that: *"The rights in subsection (1) may not be exercised in a manner inconsistent with any provision of the Bill of Rights".*
- 3.2 It means that exercising of the right to practice religion, (including the right to manifest religion) should not contravene other rights in the Bill of Rights, including the right to freedom of religion itself, right to human dignity and security of a person as well as other rights, such health etc. It further entails that religious rights should not be practiced in a manner that is illegal, unlawful, or harmful to human beings.

4. Commercialization of religion study

- 4.1. The CRL Rights Commission investigative study report on the commercialization of religion and the abuse of the peoples believe systems, highlighted the need for the state to protect the right to freedom of religion, and the right to practice religion as provided by section 15 and 31 of the Constitution by ensuring that the right to practice religion is not exercised in manner that is illegal, unlawful and harmful to humans.



- 4.2. In this report, the CRL Rights Commission recommended regulation of religious practices to protect freedom of religion and ensure that the rights to practice religion are free from illegal, unlawful, or harmful activities.

5. Establishment of section 22 Committee

- 5.1. The Commission has in terms of section 22 of the CRL Rights Act a right to establish a committee comprising of representatives from various religious sectors such as Christianity, Hinduism, Islam, African Independent Churches, Apostolic, Rastafari, African Religion, Judaism.

- 5.2. The Committee is focused on the Christian sector.

6. Purpose of the Committee

- 6.1. The Committee will perform the following functions:

- 6.1.1. Conduct consultations with all religious sectors and organizations throughout the country about the development of the legislative framework to provide for:

- (a) The establishment of Religious Practice Council, representative of all religious sectors/denominations
- (b) Registration of religious institutions according to the diverse religious sectors/denominations
- (c) Registration of religious practitioners according to the diverse religious sectors/denominations
- (d) Development of code of conduct/ethics for all religious practitioners, and



6.1.2. Engage with relevant state Development (s) and facilitate the development of the legislative framework mentioned above in paragraph 6.1.1.

N.B. For the purpose of these terms of reference and the intended legislative framework, religious practitioners refer to *individuals who engage in and facilitate religious practices within the community or faith. They can be formally trained or ordained or may be recognized for their spiritual guidance and experience, i.e., priests, pastors, reverends, and other Christian spiritual leaders.*

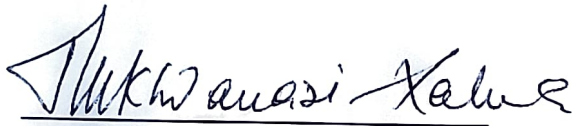
7. Procedure for the Committee in respect of consultation and decision making

- 7.1. As the committee consists of representatives from the Christian umbrella religious sector, each representative shall consult with their own umbrella and beyond, to cover those outside the umbrella organization, ensure a proper representation and participation of all.
- 7.2. The committee shall conduct its functions, as per these terms of reference, independently and make its own decisions or resolutions.
- 7.3. The decisions, resolutions and recommendations by the Committee and progress on its functions shall be communicated to the CRL Rights Commission on a quarterly basis.
- 7.4. The Committee shall at all times, while performing its functions as per these terms of reference, exercise mutual respect among themselves despite their diverse umbrellas they represent and strive to work together to achieve common purpose despite their diverse beliefs.



8. Dissolution of the Committee

The Committee shall be dissolved upon completion of its functions in terms of these terms of reference.



Mrs. Thoko-Mkhwanazi Xaluva
Chairperson
of the CRL Rights Commission

Date: 23/6/25